

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 4, 2013
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:05 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Bennett made a motion, seconded by Member Sprague, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Sprague, approving the consent agenda as revised to remove Item IV.H, 2013 Sidewalk Projects Prioritization List, as follows:

IV.A. Approve regular, closed session and work session meeting minutes of May 21, 2013

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated May 23, 2013, and consisting of 32 pages; General Fund \$348,817.21; Working Capital Fund \$ 42,582.19; Equipment Replacement Fund \$22,801.07; Art Center Fund \$1,421.78; Golf Dome Fund \$92.52; Aquatic Center Fund \$112.65; Golf Course Fund \$24,955.83; Ice Arena Fund \$35,005.13; Edinborough Park Fund \$3,862.58; Centennial Lakes Park Fund \$8,481.97; Liquor Fund \$172,169.37; Utility Fund \$67,565.83; Storm Sewer Fund \$3,828.85; PSTF Agency Fund \$6,837.29; Centennial TIF District \$2,900.00; Payroll Fund \$9,841.82; TOTAL \$751,276.09; and for approval of payment of claims dated May 29, 2013, and consisting of 20 pages; General Fund \$114,229.87; Working Capital Fund \$290.65; Art Center Fund \$120.93; Aquatic Center Fund \$7,882.72; Golf Course Fund \$24,134.89; Ice Arena Fund \$14.00; Edinborough Park Fund \$13,958.53; Centennial Lakes Park Fund \$3,398.36; Liquor Fund \$184,286.69; Utility Fund \$167,908.46; Storm Sewer Fund \$2,519.01; Recycling Fund \$32.89; PSTF Agency Fund \$1,017.02; Centennial TIF Fund \$11,920.69; Payroll Fund \$3,524.12; TOTAL \$535,238.83; and, Credit Card Transactions dated May 22, 2013; TOTAL \$29,240.33

IV.C. Approve Shared Parking Agreement with YMCA for Yorktown Park

IV.D. Approve Engineering Services – Evaluation of FEMA Proposed Flood Hazard Determinations

IV.E. Approve Agreement with Nine Mile Creek Watershed District for Edina Centennial Lakes Runoff Volume Reduction Plan

IV.F. Approve Agreement with Minnesota Pollution Control Agency for Grant and to Purchase an Electric Vehicle

IV.G. Approve Engineering Services – Public Engagement and Preliminary Engineering Services for 54th Street W and Arden Park Area Stormwater Management Plan

~~IV.H. 2013 Sidewalk Projects Prioritization List~~

IV.I. Request for Purchase, 2013-2014 Salt Purchase, awarding the bid to the recommended low bidder, Cargill, Inc. (State Contract 62341)– Regular Road Salt at \$60.45 per ton; Cargill, Inc. (State Contract 62349) – Treated Road Salt at \$73.48 per ton.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.H. 2013 SIDEWALK PROJECTS PRIORITIZATION LIST - APPROVED

City Engineer Houle answered questions of the Council relating to the 2013 Sidewalk Projects Prioritization List and discussion of the Edina Transportation Commission. **Member Sprague made a motion, seconded by Member Bennett, to approve the 2013 Sidewalk Projects Prioritization List.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Manager Neal stated the Council would be presented with designs for all of the sidewalk projects prior to going out for bid.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. RESOLUTION NO. 2013-50 ADOPTED – RESOLUTION OF CONDOLENCE, JAMES VAN VALKENBURG

Mayor Hovland recited in full a resolution of condolence for James Van Valkenburg. **Member Bennett introduced and moved adoption of Resolution No. 2013-50, Resolution of Condolence, James Van Valkenburg.** Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V.B. RESOLUTION NO. 2013-51 ADOPTED – RESOLUTION OF CONDOLENCE, MARCELIA DAEHN

Mayor Hovland recited in full a resolution of condolence for Marcella Daehn. **Member Bennett introduced and moved adoption of Resolution No. 2013-51, Resolution of Condolence, Marcella Daehn.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. FAIRVIEW SOUTHDAL HOSPITAL – SITE PLAN REVIEW WITH DRIVE AISLE SETBACK AND PARKING VARIANCES, 6401 FRANCE AVENUE, RESOLUTION NO. 2013-46 ADOPTED

Community Development Director Presentation

Community Development Director Teague presented the request of the applicant to build a two-level 88,974 square foot addition for a new Emergency Care and Urgent Care Center at their site at 6401 France Avenue. The existing Emergency and Urgent Care facility would be remodeled for hospital use. To accommodate the proposed addition, the following was requested: Site Plan review; drive-aisle setback from 20-feet to 6-10 feet for the new round-a-bout drop off and pick up area; drive aisle in front of the addition adjacent to Crosstown Highway; and, parking stall Variance from 2,728 to 2,051 spaces.

Mr. Teague provided an overview of the proposed site plan and Planning Commission discussion. He concluded that staff and the Planning Commission recommended approval of the Site Plan and Variances subject to the findings and conditions in the Planning Commission staff report. Mr. Teague answered questions of the City Council relating to anticipated traffic flow to the emergency area, the parking study, the existing and proposed relocation of the helipad, the landscaping/planting plan, and potential issues associated with emergency parking during construction.

Chuck Rickart, WSB & Associates, answered questions of the City Council relating to the parking study.

Proponent Presentation

Robert Gruman, Fairview Southdale Hospital, provided a brief overview of the purpose for the new Emergency Care and Urgent Care Center at Fairview Southdale Hospital and introduced the development team.

Vicki Hooper and Amy Dowla, HGA Architects, presented an overview of the proposed new Emergency Care and Urgent Care Center and the proposed site plan. Brian Lubben, Walker & Associates, informed the Council that he was available for questions.

There was discussion on the importance of clear signage to direct visitors to the emergency area.

Russ Williams, Fairview Southdale Hospital, provided information on the current operations at Fairview Southdale Hospital. Mr. Williams and Mr. Gruman answered questions of the City Council relating to the proposed improvements and operations / emergency care service at the hospital. They discussed the parking study and plans for temporary emergency service parking during construction.

Mayor Hovland opened the public hearing.

Public Testimony

Martin Kirsch, 6725 Penn Avenue South, addressed the City Council.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson introduced and moved adoption of Resolution No. 2013-46, approving a Site Plan with Variances at 6401 France Avenue to build an 88,974 square foot emergency and urgent care center at Fairview Southdale Hospital, based on the following findings:

- 1. The proposal would meet the required standards and ordinances for a Site Plan with the exception of the parking space variance and drive aisle setback variance.**
- 2. WSB conducted a parking and traffic impact study. The study concluded that the existing roadway system would support the proposed project; and the parking on the site would contain adequate parking to support the expansion and existing uses.**
- 3. The variances requested are reasonable. The drive-aisle setback variance would have no impact on Crosstown Highway. There would still be a 40-foot green space separation between the freeway on ramp and the hospital drive-aisle. The parking study concludes that the site would be adequately parked.**
- 4. The west parking ramp could be expanded should there ever be a need for additional parking for the site.**

And subject to the following conditions:

- 1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:**
 - Site plan date stamped April 24, 2013.**
 - Grading plan date stamped April 24, 2013.**
 - Landscaping plan date stamped May 29, 2013.**
 - Building elevations date stamped April 24, 2013.**
 - Building materials board as presented at the Planning Commission and City Council meeting.**
- 2. Prior to the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Additionally, a performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.**
- 3. The property owner is responsible for replacing any required landscaping that dies.**
- 4. Submit a copy of the Minnehaha Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.**
- 5. Compliance with the conditions required by the city engineer in his memo dated May 17, 2013.**
- 6. Should delays and queuing become an issue at the France Avenue/West 65th Street intersection in the future, minor intersection turn lane and phasing improvements may be necessary. Should these**

improvements be required in the future Fairview Southdale Hospital will be responsible for their share of those improvements.

7. Fire lanes must be signed subject to review and approval of the fire marshal.

8. Submit a copy of the Minnesota Department of Transportation drainage permit. The City may require revisions to the approved plans to meet MnDOT's requirements.

Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.B. FINAL REZONING FROM PCD-3 TO PUD PLANNED UNIT DEVELOPMENT, FINAL DEVELOPMENT PLAN AND FINAL PLAT, LUND FOOD HOLDINGS, 7171 FRANCE AVENUE, ORDINANCE NO. 2013-06 AND RESOLUTION NO. 2013-45 ADOPTED

Community Development Director Presentation

Mr. Teague presented the request of the applicant for final review for a proposal to tear down the existing 59,000 Byerly's grocery store, located at 7171 France Avenue and build the following:

Phase 1

- A new 47,119 square foot Byerly's store.
- A six/seven-story 109-unit apartment building with two levels of underground parking. (Building A.)

Phase 2

- A six/seven-story, 77-unit apartment building with a first floor 10,711 square foot retail area and two levels of underground parking. (Building B.)
- A six-story, 48-unit apartment building with 11,162 square feet of retail space on the first level and two levels of underground parking. (Building C.)

Mr. Teague provided an overview of the proposed rezoning, final development plan, final plat, and Planning Commission discussion. He noted that the property owner to the north had some objections and would be present to speak tonight. Mr. Teague concluded that staff and the Planning Commission recommended approval of the Rezoning to PUD, Final Development Plan and Final Plat subject to the findings and conditions in the Planning Commission staff report. Mr. Teague also informed the Council that Agenda Item No. VI.C, Receive Feasibility Study And Consider Ordering Improvements, Hazelton Road Reconstruction Improvement No. BA-417, Resolution No. 2013-47, was associated with this project. If it was the preference of the Council, the public hearing for these agenda items could be held together.

The consensus of the Council was to consider the staff presentation, discussion, and public hearing on Agenda Item No. VI.C., Receive Feasibility Study And Consider Ordering Improvements, Hazelton Road Reconstruction Improvement No. BA-417, Resolution No. 2013-47, concurrently.

Chuck Rickart and Andy Plowman, WSB & Associates, provided an overview of the feasibility study for the proposed Hazelton Road Reconstruction Improvement No. BA-417.

Mr. Rickart and Mr. Houle answered questions of the City Council on the following topics in relation to the feasibility study: pedestrian crossing at The Promenade; roundabout: design, width, truck traffic; potential for including north/south crosswalk enhancements and adjusting the signal timing and landing pads at the France Avenue intersection; sight distance in relation to the pylon sign proposed at the roundabout; public notification; anticipation of easements for the project being donated; proposed financing; proposed reduction of lane capacity; park dedication fee schedule; and, signage to have continuity with other signs in The Promenade.

Proponent Presentation

Jim Vos, CRESA Minneapolis, stated changes for the Byerly's project were made at the request of the Council and the property owners to the east and south were prepared to move forward with the necessary easements for the project. A series of meetings were held with property owners in relation to the

Hazelton Road Improvement Project with all of the property owners indicating consent. Mr. Vos discussed the roundabout and the proposed pylon signs, the request that park dedication for Building A be paid at the time of the Certificate of Occupancy, and the sustainability aspects of the project.

Mr. Vos answered questions of the Council in relation to the north elevation of the grocery store, suggesting that this item be referred for further discussions with staff and the proponent. Mr. Vos and Mr. Teague answered questions of the Council on the Compliance Table in relation to building setbacks, maximum floor area ratio, and parking. Member Bennett asked why staff had not informed either the Planning Commission or the Council of changes in the amount of variation requested from city standards. She stated that her greatest concern was location of Building A only 11 feet from the 80-foot wide Promenade instead of 81 feet per city standard or 27 feet as approved by the Council on March 19, 2013.

Mayor Hovland opened the public hearing.

Public Testimony

Lori Grotz, 5513 Park Place, addressed the City Council.

Peter Beck, 800 Nicollet Mall, Rue de France, addressed the City Council.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

In response to concerns raised during public testimony, Mr. Houle discussed the ability of the Public Works Department to maintain an ice-free roadway on Hazelton Road. Mr. Rickart indicated that a total of twelve parking spots would be lost due to the roundabout, all of which would be located on the Guitar Center site.

Mr. Teague stated that the most accurate and up-to-date information available through County records was used for the mailing address for public notification on the Hazelton Road Reconstruction Improvement Project. There was discussion on the potential relocation of the right-in / right-out currently located at US Bank to facilitate use by the Rue de France property.

Economic Development Manager Neuendorf answered questions of the City Council relating to the anticipated cost allocation between the City and Lund Food Holdings. He advised that the developer's agreement would identify the financial responsibility of parties for the work and costs. There was discussion on the potential of a sign variance request by Rue de France, the height of the mound in the roundabout in relation to the proposed 100 square foot sign, and the private/public benefit of the proposed pond on the site.

Member Swenson made a motion adopting Ordinance No. 2013-06, an ordinance amending the Zoning Ordinance to establishing a PUD, Planned Unit Development District at 7171 France Avenue, and introduced and moved adoption of Resolution No. 2013-45, Approving Final Rezoning from PCD-3 to PUD, Planned Unit Development, Final Development Plan and Final Plat at 7171 France Avenue for Lund Food Holdings, based on the following findings:

- 1. The proposed land uses are consistent with the Comprehensive Plan.**
- 2. The proposal would meet the purpose and intent of the PUD, as most of the above criteria would be met. The site is guided in the Comprehensive Plan as "Mixed Use Center – MXC," which encourages a mixing of uses, including retail and multifamily residential. The proposed uses are therefore consistent with the Comprehensive Plan.**

4. The proposal would create a more efficient and creative use of the property. The Byerly's store would be pulled up close to the street, with sidewalks in front, and separated from the street by green space to promote a more walkable environment.
5. Pedestrian connections would be made from France Avenue to the Promenade from the north and south sides of the site, as well as through the middle.
6. The applicant is also proposing sustainability principles within their project narrative, and pledges an energy efficiency standard that would exceed the code driven energy efficiency standard by a minimum of 5%.
7. The proposed buildings would be a high quality brick, stone, precast concrete, metal and glass building.
8. The site circulation would be improved with a right-in and right-out added along France Avenue.
9. The proposed project would meet the following goals and policies of the Comprehensive Plan:
 - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
 - Locate prominent buildings to visually define corners and screen parking lots.
 - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
 - b. Movement Patterns.
 - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
 - A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern discussed above under "Issues" will call for guidelines that change the relationship between parking, pedestrian movement and building placement.
 - c. Appropriate Parking Standards. Mixed use developments often produce an internal capture rate. This refers to residents and workers who obtain goods and services from within the development without making additional vehicle trips. Parking ratios for mixed use development should reflect the internal capture rate and the shared parking opportunities this type of development offers.
 - d. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.

And based on the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped April 26, 2013.
 - Grading plan date stamped April 26, 2013.
 - Utility plan date stamped April 26, 2013.
 - Landscaping plan date stamped April 26, 2013.
 - Building elevations date stamped April 26, 2013
 - Building materials board as presented at the Planning Commission and City Council meeting.
2. Prior to the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Additionally, a performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.
3. The property owner is responsible for replacing any required landscaping that dies.
4. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
5. The Final Plat must be filed at the County within one-year after City Council approval. If the plat is not filed it shall be deemed null and void.
6. A shared parking and access agreement must be established across the Plat.

7. Compliance with the conditions required by the City Engineer in his memo dated May 17, 2013; including the development agreement.
8. All public utility, roadway and sidewalk easements shall be dedicated to the City.
9. Attempts must be made to meet an energy savings goal of 10%, over state energy code guidelines.
10. No delivery truck traffic shall be allowed on 70th Street.
11. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.
12. A park dedication fee of \$5,000 per dwelling unit is required. A portion of the park dedication funds shall be used to develop the water feature, and maintain an easement over it.-The park dedication fees are due prior to issuance of a building permit for each unit. The City shall then purchase the land or easement for the water feature and path associated with the Promenade.
13. The north wall design of the Byerly's building must be revised to break up the visual impact, subject to staff approval.
14. The Promenade Ponding plan shall be designed per the Plans dated May 29, 2013, subject to review by the Park Board and approval of the City Council.
15. Final detail on the roadway improvements on France and Hazelton road including cost sharing shall be determined by city staff.
16. Promenade signage shall conform to current Promenade signage design.
17. The secondary pylon sign on Hazelton Road shall be limited to 50 square feet in size.

Member Sprague seconded the motion.

There was discussion on the timeline for the required payment of park dedication fees. Manager Neal stated the development agreement would detail the cost shares associated with the project.

Ayes: Brindle, Sprague, Swenson, Hovland

Nay: Bennett

Motion carried.

IV.C RECEIVE FEASIBILITY STUDY AND CONSIDER ORDERING IMPROVEMENTS, HAZELTON ROAD RECONSTRUCTION IMPROVEMENT NO. BA-417, RESOLUTION NO. 2013-47 APPROVED

Member Sprague introduced and moved adoption of Resolution 2013-47 receiving feasibility study and ordering improvements for Hazelton Roadway Improvements, Improvement No. BA-417, with the following added to the project scope: 4. The feasibility of enhanced east/west pedestrian crossing across France Avenue; and, 5. Enhanced landings on the west side of the France Avenue intersection. Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Bennett stated that she was able to support the Hazelton Road improvements and the use of tax increment funds to pay for them because they would have area-wide benefits. She restated her opposition to the rezoning and approval of final development plan for Lunds Food Holdings. She cited the public value of the Promenade, one of Edina's most-heavily used public parks, and emphasized her opposition to allowing the 81-foot tall Building A to be built just 11 feet from the 80-foot wide Promenade.

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2013-49 ADOPTED - APPEAL FROM LICENSE DENIAL: CURTISS DELANE SMITH

Manager Neal stated the appellant was not present. Member Sprague introduced and moved adoption of Resolution 2013-49 denying appeal of peddler and solicitors permit. Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Minutes/Edina City Council/June 4, 2013

Motion carried.

VIII.B. RESOLUTION NO. 2013-48 ADOPTED – ACCEPTING VARIOUS DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Bennett introduced and moved adoption of Resolution No. 2013-48 accepting various donations. Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.C. GRANDVIEW COMMUNITY ADVISORY TEAM APPOINTMENTS – RATIFIED

Mayor Hovland announced appointments to the Grandview Community Advisory Team as discussed by the Council in previous discussions. **Member Hovland made a motion, seconded by Member Bennett,**

ratifying Mayoral appointments to the Grandview Community Advisory Team Appointments as follows:

Commercial property owner within Grandview: Nancy Grazzini Olson; **Business owner or manager within**

Grandview: Bill McReavy; **Planning Commission active members:** Kevin Staunton, Michael Schroeder;

Transportation Commission active member: Jennifer Janovy; **Park & Recreation active member:** Sue

Jacobson; Neighborhood residents: Pat Olk, Jimmy Bennett; and, **Community residents at large:** Sandy

Fox, Bright Dornblaser, Mike Fischer.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. MINUTES:

- 1. PLANNING COMMISSION MINUTES, MAY 8, 2013**
- 2. EDINA TRANSPORTATION COMMISSION MINUTES, APRIL 25, 2013**
- 3. HUMAN RIGHTS AND RELATIONS COMMISSION, APRIL 23, 2013**

Informational; no action required.

X. MAYOR AND COUNCIL COMMENTS – Received

XI. MANAGER'S COMMENTS – Received

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:40 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, June 18, 2013.

Video Copy of the June 4, 2013, meeting available.

Debra A. Mangen, City Clerk

James B. Hovland, Mayor